

EXHIBIT D

From: Friedberg, Anna
Sent: Monday, August 26, 2013 9:58 AM
To: Savino, Kimberly (Law)
Cc: Raad, Amanda; Busalacchi, Stephanie; Cobb, Emily A.; Grygiel, Heidi (Law); Snyder, Lynda (Law); Lim, Daniel (Law); Ortiz, Julie (Law); Larkin, Arthur (Law); Nguyen, Diep (Law)
Subject: RE: Plaintiffs' Proposed Custodian List
Attachments: Active_37729794_2_ESI Document Specifications.DOCX; Active_37710289_5_Nunez E-mail Custodian List.XLS

Hi Kim,

I hope you had a nice weekend. As we discussed, attached are our ESI specifications. We have also attached an updated chart with our prioritization for Group C.

We look forward to speaking with you on Wednesday.

Thanks,
Anna

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From: Savino, Kimberly (Law) [mailto:ksavino@law.nyc.gov]
Sent: Thursday, August 22, 2013 3:31 PM
To: Friedberg, Anna
Cc: Raad, Amanda; Busalacchi, Stephanie; Cobb, Emily A.; Grygiel, Heidi (Law); Snyder, Lynda (Law); Lim, Daniel (Law); Ortiz, Julie (Law); Larkin, Arthur (Law); Nguyen, Diep (Law)
Subject: RE: Plaintiffs' Proposed Custodian List

Great thanks Anna.

So just factor Suprenant in when you give us the Group C prioritization list.

-Kim

From: Friedberg, Anna [mailto:Anna.Friedberg@ropesgray.com]
Sent: Thursday, August 22, 2013 12:18 PM
To: Savino, Kimberly (Law)
Cc: Raad, Amanda; Busalacchi, Stephanie; Cobb, Emily A.; Grygiel, Heidi (Law); Snyder, Lynda (Law); Lim, Daniel (Law); Ortiz, Julie (Law); Larkin, Arthur (Law); Nguyen, Diep (Law)
Subject: RE: Plaintiffs' Proposed Custodian List

Hi Kim,

Thanks for taking the time to speak with us this morning. We think we had a productive call.

I realized we forgot to address your suggestion below on the call. We agree that Brian Suprenant is an appropriate IU representative.

Thanks,
Anna

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From: Savino, Kimberly (Law) [<mailto:ksavino@law.nyc.gov>]

Sent: Wednesday, August 21, 2013 5:39 PM

To: Friedberg, Anna

Cc: Raad, Amanda; Busalacchi, Stephanie; Cobb, Emily A.; Grygiel, Heidi (Law); Snyder, Lynda (Law); Lim, Daniel (Law); Ortiz, Julie (Law); Larkin, Arthur (Law); Nguyen, Diep (Law)

Subject: RE: Plaintiffs' Proposed Custodian List

Anna,

Thank you for the attached.

To clarify who you mean by IU personnel responsible for arrests - do you want the commanding officer or captain(s) of IU, or do you want "lower level" officers that work under those individuals? If I could suggest one custodian to represent all of IU, would plaintiffs agree to just add Brian Suprenant, who is the Warden of the following units: SOD / ESU / K-9 / IU / RADIO UNIT?

Thanks.

-Kim

From: Friedberg, Anna [<mailto:Anna.Friedberg@ropesgray.com>]

Sent: Wednesday, August 21, 2013 4:58 PM

To: Savino, Kimberly (Law)

Cc: Raad, Amanda; Busalacchi, Stephanie; Cobb, Emily A.; Grygiel, Heidi (Law); Snyder, Lynda (Law); Lim, Daniel (Law); Ortiz, Julie (Law); Larkin, Arthur (Law); Nguyen, Diep (Law)

Subject: RE: Plaintiffs' Proposed Custodian List

Hi Kim,

Thanks again for pulling all of this together. Attached is a modified version of the custodian list that you sent last night with our proposed priority for production. We categorized the custodians into three groups and then prioritized the custodians within those groups. For the time being we have only prioritized the custodians within the first two groups, Group A and B. We are happy to discuss the prioritization within the final group.

We removed Robert Lamar, Louis Leonard and Alfredo Negron from the list as you noted they were incorrectly included in the original version. We are also willing to remove three custodians from the list: Dawn Kirkland, Darlene Massey-Covington, and Robert Orlandi. We have also included one additional custodial, Homer Venters.

We look forward to discussing this with you tomorrow.

Thanks,
Anna

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From: Savino, Kimberly (Law) [<mailto:ksavino@law.nyc.gov>]

Sent: Wednesday, August 21, 2013 9:16 AM

To: Friedberg, Anna

Cc: Raad, Amanda; Busalacchi, Stephanie; Cobb, Emily A.; Grygiel, Heidi (Law); Snyder, Lynda (Law); Lim, Daniel (Law); Ortiz, Julie (Law); Larkin, Arthur (Law); Nguyen, Diep (Law)

Subject: RE: Plaintiffs' Proposed Custodian List

Thanks Anna.

I will remove those 3 individuals from the list because they do not/did not have email.

-Kim

From: Friedberg, Anna [<mailto:Anna.Friedberg@ropesgray.com>]

Sent: Tuesday, August 20, 2013 9:28 PM

To: Savino, Kimberly (Law)

Cc: Raad, Amanda; Busalacchi, Stephanie; Cobb, Emily A.; Grygiel, Heidi (Law); Snyder, Lynda (Law); Lim, Daniel (Law); Ortiz, Julie (Law); Larkin, Arthur (Law); Nguyen, Diep (Law)

Subject: RE: Plaintiffs' Proposed Custodian List

Hi Kim,

Apologies for the second email. We see upon further review of your chart that Evelyn Mirabal has been promoted to Chief of Department. You can ignore our question below.

Thanks!

Anna E. Friedberg

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From: Friedberg, Anna
Sent: Tuesday, August 20, 2013 9:18 PM
To: 'Savino, Kimberly (Law)'
Cc: Raad, Amanda; Busalacchi, Stephanie; Cobb, Emily A.; Grygiel, Heidi (Law); Snyder, Lynda (Law); Lim, Daniel (Law); Ortiz, Julie (Law); Larkin, Arthur (Law); Nguyen, Diep (Law)
Subject: RE: Plaintiffs' Proposed Custodian List

Thank you, Kim. This is very helpful.

Thank you confirming the status of email accounts and preparing the proposed custodian list. We reviewed the custodian list and noticed a few minor discrepancies.

- (1) Robert Lamar is on the proposed list of custodians but was classified as not having email on the list of named defendants sent on August 12, 2013. He can be removed from the list if he does not have an email account.
- (2) Louis Leonard and Alfredo Negrón are also on the proposed list of custodians but you previously informed us that neither individual had email. They can be removed from the list if they do not have email accounts.
- (3) The list does not include the Chief of Department. Is there currently a Chief of Department? If so, who is that individual? We would like to add that person to the list.

We will work on preparing a priority list and circulate before the call on Thursday.

Thanks!
Anna

From: Savino, Kimberly (Law) [<mailto:ksavino@law.nyc.gov>]
Sent: Tuesday, August 20, 2013 8:37 PM
To: Friedberg, Anna
Cc: Raad, Amanda; Busalacchi, Stephanie; Cobb, Emily A.; Grygiel, Heidi (Law); Snyder, Lynda (Law); Lim, Daniel (Law); Ortiz, Julie (Law); Larkin, Arthur (Law); Nguyen, Diep (Law)
Subject: Plaintiffs' Proposed Custodian List

All,

Attached is a spreadsheet which contains your proposed custodians, approximately 50, listing their current rank/assignment, facility, and the date they received email. If the employee worked for DOC as of 6/20/08, the date that DOC migrated email to DOITT, their email creation date will be 6/20/08.

As to the retired/dismissed employees - when an employee retires their email is not deleted, and would be maintained by DOITT.

Please double check that I have the correct list of custodians. I am still working on getting you the names from IU.

If I am missing a custodian, or if you need any other information in advance of the Thursday phone call, please give me as much notice as possible. I'd like to agree upon the triaged list of custodians on Thursday so that review of those custodians' emails, using UOF and Use w/5 Force can promptly begin.

Thank you.

-Kim